



# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|-----------------|-------------|----------------------|----------------------------|------------------|
| 09/596,958      | 06/20/2000  | Jihyun Francis Kim   | 19603/3286(CRF<br>D-2062B) | 5427             |

7590

11/12/2002

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EXAMINER

KUBELIK, ANNE R

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 11/12/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

|                          |                        |  |                     |  |
|--------------------------|------------------------|--|---------------------|--|
| <b>Interview Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                          | 09/596,958             |  | KIM ET AL.          |  |
|                          | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                          | Anne R. Kubelik        |  | 1638                |  |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Anne R. Kubelik. (3) \_\_\_\_\_  
 (2) Edwin V. Merkel. (4) \_\_\_\_\_

Date of Interview: 08 November 2002 .

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_ .

Claim(s) discussed: \_\_\_\_\_ .

Identification of prior art discussed: \_\_\_\_\_ .

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet .

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

- i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Hybridization conditions: Examiner explained that salt concentration, temperature and time are required for both hybridization and wash conditions for enablement, written description and indefiniteness - there is no way to know which nucleic acids fall within the scope of the claim or how to isolate the claimed nucleic acids unless those conditions are recited.

Functional language for encoded protein discussed - Examiner will seek guidance to determine if "hypersensitive reponse elecitor" or "protein that induces a hypersensitive reponse in a plant" is specific enough to meet written description requirement or if what the protein binds to or what reaction it catalyzes must be recited.

Prior art: It was agreed that if the issues above were resolved satisfactorily, then the prior art rejections would be obviated. .